

REMARKS

The Office Action dated October 22, 2008, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

In the Office Action, Claims 4 and 5 are indicated allowed, but Claims 2-3 and 8-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Malcolm, U.S. Patent No. 6,373,954 in view of Tsukamoto et al., U.S. Patent No. 4,815,352 and Inoue et al., U.S. Patent No. 5,532,765, and Claims 6-7 are rejected Under 35 U.S.C. § 103(a) as being unpatentable over Malcolm as modified by Tsukamoto and Inoue as applied to claim 1 above, and further in view of Anderson, U.S. Patent No. 6,078,594.

By the foregoing amendment, Claim 3 has been canceled and Claims 2, 6, 8, and 10-13 have been amended to be dependent from Claim 4. Thus, after entry of this Amendment, Claims 2 and 4-14 are currently pending in the application and subject to examination. No new matter has been added.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary because it is made in reply to arguments raised in the rejection. Entry of the Amendment is thus respectfully requested.

As indicated in the Office Action that Claims 4 and 5 are allowed, currently pending Claims 2 and 6-14, now depending directly or indirectly from allowed Claim 4, are also allowable due to their dependency from allowable independent Claims. Therefore, currently pending Claims 2 and 4-14 are now in condition for allowance.

Conclusion

For all of the above reasons, it is respectfully submitted that claims 2 and 4-14 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 100341-00003.

Respectfully submitted,
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